IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21811 of 2004

Between:

G. David, S/o. Mallaiah,
R/o. 4-11, Narasimha Nagar Colony, Mallapur, Rangareddy District.

..... PETITIONER

AND

1 The Regional Transport Authority, Rangareddy District.
2 The Motor Vehicle Inspector, Uppal, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction declaring the seizure of Light Goods Vehicle bearing registration No. AP 13 V 0335 by the 2nd respondent herein under check report No. 1407855, dt. 02-11-2004 as illegal, arbitrary and without jurisdiction and set-aside the same and consequently direct them to release the vehicle bearing registration No. AP 13 V 0335 to the petitioner forthwith.

Counsel for the Petitioner: MR.VENKATRAM REDDY MANTUR

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the stage of admission, made the following :

ORAL ORDER:

The 2nd respondent has seized the Light Goods Vehicle bearing No.AP13V 0335 of the petitioner vide Check Report No.1407855, dated 2.11.2004 on the ground that the petitioner has violated certain provisions of the Motor Vehicles Act. Challenging the same, the petitioner has filed this writ petition.

The learned counsel for the petitioner has submitted that subject to the payment of tax and subject to the result of the enquiry for violation of the Motor Vehicles Rules, the vehicle may be released.

On the other hand, the learned Government Pleader for Transport has opposed the same on the ground that as the petitioner violated certain provisions of the Motor Vehicles Act at the time of checking, the vehicle was rightly seized by the 2nd respondent and therefore, there are no grounds to order release of the vehicle.

It is not in dispute that for violation of certain provisions of the Motor Vehicles Act and the Rules framed therein, the vehicle was seized.

However, it is not desirable to keep the vehicle idle exposed to sun and rain casing damage to it, and therefore, it would be appropriate to direct grant of interim custody of the vehicle to the petitioner.

In the circumstances, the 1st respondent-Regional Transport Authority, is directed to release the vehicle of the petitioner for interim custody on condition that the petitioner deposits a sum of Rs.5,000/- (Rupees Five Hundred Only) with the following terms and conditions:

1. *that the petitioner shall not alienate or transfer the vehicle to any other person without the permission of the 1st respondent.*

2. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*

3. *that the petitioner shall pay the tax, if any, due to the Government.*

The writ petition is accordingly allowed at the stage of admission. There shall be no order as to costs.

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(K.C. BHANU, J.)

29th November, 2004.

To

1 The Regional Transport Authority, Rangareddy District.
2 The Motor Vehicle Inspector, Uppal, Ranga Reddy District.

Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

Two C.D. copies

Note: Furnish copy in two days.

(b/o)

bcj